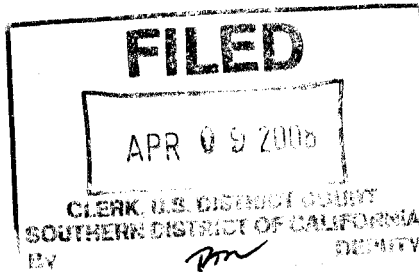


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8312

UNITED STATES OF AMERICA,

Plaintiff,

v.

Emmanuel ESPINOZA-Cota,

Defendant.

Magistrate Case No.:


COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

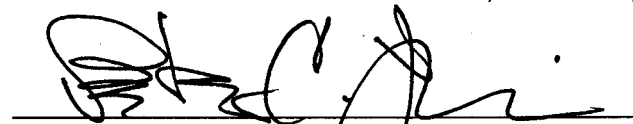
The undersigned complainant being duly sworn states:

That on or about April 8, 2008, within the Southern District of California, defendant Emmanuel ESPINOZA-Cota did knowingly and intentionally import approximately 78.52 kilograms (172.74 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th,
DAY OF APRIL 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

Emmanuel ESPINOZA-Cota

3 STATEMENT OF FACTS

4 This Statement of Facts is based on the reports, documents, and notes
5 furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon
6 Wood.

7 On April 8, 2008, at approximately 0346, Emmanuel ESPINOZA-Cota entered
8 the United States at the Calexico, California West Port of Entry (POE). ESPINOZA was
9 the driver, registered owner, and sole occupant of a 1989 Ford F-250 with California
10 license plate number 8N16454.

11 Customs and Border Protection Officer (CBPO) V. Fonseca was manning
12 primary lane six (6) when a 1989 Ford, F-250 approached her lane. CBPO V. Fonseca
13 identified the driver from his Mexican passport as Emmanuel ESPINOZA-Cota. CBPO
14 V. Fonseca received a negative Customs declaration from ESPINOZA. ESPINOZA
15 stated to CBPO V. Fonseca that he was going to Calexico and that the vehicle was his.
16 CBPO V. Fonseca noticed that the vehicle had only one prior crossing. CBPO V.
17 Fonseca noticed that ESPINOZA's passport looked like a possible photo substitute.
18 CBPO V. Fonseca also noted that there was an operation to refer Ford trucks. CBPO
19 V. Fonseca decided to send the vehicle to the vehicle secondary lot for a more
20 intensive inspection.

21 Canine Enforcement Officer (CEO) C. Jones was screening vehicles with his
22 Narcotics Human Detector Dog (NHDD) in the vehicle secondary lot when his NHDD
23 alerted to a 1989 Ford, F-250 that was being inspected by CBPO R. Tarin. CEO C.
24 Jones' HNDD jumped into the bed of the vehicle and went directly to the diesel gas tank
25 that was located in the back of the truck. The HNDD then jumped on top of the tool box
26 and went to the gas cap that had been opened. The HNDD then responded by sitting
27 on top of the tool box. CEO C. Jones notified CBPO R. Tarin of the alert.
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1 CBPO R. Tarin took a negative declaration from ESPINOZA. ESPINOZA told
2 CBPO R. Tarin that he is the registered owner of the vehicle and that he had gone to
3 Mexicali to visit his girlfriend.

4 CBPO R. Tarin performed an intensive inspection of the diesel tank in the bed of
5 the truck. CBPO R. Tarin upon further inspection discovered a metal plate under the
6 diesel tank. The plate was removed and a compartment was found that contained 23
7 packages. CBPO R. Tarin probed one of the packages which produced a green, leafy
8 substance that field tested positive for marijuana. The total weight of the packages was
9 78.52 kilograms (172.74 pounds).

10 Special Agent (SA) Brandon Wood placed ESPINOZA under arrest for violation
11 of Title 21 United States Code 952 and 960, Importation of a Controlled Substance.
12 ESPINOZA was advised of his Constitutional Rights, per Miranda, which he
13 acknowledged and waived.

14 ESPINOZA admitted knowledge that a controlled substance was concealed
15 within the vehicle. ESPINOZA stated to SA Wood that a man named "JEFE" was going
16 to pay him \$1200.00 to smuggle the controlled substance into the United States and
17 drop it off at "Doughnut Avenue" in Calexico, California. ESPINOZA was processed,
18 booked, and transported to Imperial County Jail.

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